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**FILED**

**MAR 24 2020**

Clerk, U S District Court  
District Of Montana  
Billings

**LODGED**

**MAR 23 2020**

Clerk, U.S. District Court  
District Of Montana  
Billings

**ATTORNEY FOR PLAINTIFF**  
**United States of America**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**VALERIE PENA,**

**Defendant,**

**RESIDENCE INN BY MARRIOTT,**

**Garnishee.**

**CR 07-124-BLG-SPW**

**AGREED FINAL ORDER IN  
GARNISHMENT**

The parties, the United States of America, the judgment defendant, and the garnishee defendant, agree and stipulate as follows:

1. The judgment defendant's name, social security number are: Valerie Pena, \*\*\*-\*\*-5839. The defendant resides in Billings, Montana.

2. A Judgment was entered against the judgment defendant in this action in the amount of \$23,853.82. The total balance due on the Judgment is \$4,740.33, as of September 28, 2018.

3. The garnishee, whose address is 956 S. 25th St. W., Billings, MT 59102, has in its possession, custody or control property of the judgment defendant in the form of wages paid to the judgment defendant.

4. The judgment defendant waives services of an application for a writ of continuing garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990 (FDCPA), 28 U.S.C. § 3205, and further waives her right to a hearing under section 3205 and any other process to which the judgment defendant may be entitled under the FDCPA.

5. The garnishee also waives service of an application for a writ of continuing garnishment pursuant to 28 U.S.C. § 3205 and further waives its right to answer and waives being heard in this matter and any other process to which the garnishee defendant may be entitled under the FDCPA.

6. The judgment defendant agrees and stipulates that her wages are subject to garnishment under 28 U.S.C. § 3205 and expressly agrees and stipulates that the entry of a final order in garnishment is proper.

7. The parties therefore agree and stipulate to the entry of a final order in garnishment against the non exempt wages of the judgment defendant. It is expressly agreed and stipulated to by the parties that the garnishee defendant shall pay to the United States the total sum of \$50.00 every pay period, which shall be withheld from the wages owed the judgment defendant. It is further stipulated that upon request of the Office of the United States Attorney or U.S. Probation Office the judgment defendant shall provide a new financial statement, tax returns, or any other financial information. After review of the updated financial information, payments may change in accordance with current financial status.

8. These sums will be applied to the judgment rendered against Valerie Pena in this cause. These payments are to continue until the unpaid balance is fully paid and satisfied.

Checks should be made payable to: "Clerk of U.S. District Court",  
referencing CR 07-124-BLG and mailed to:

Clerk of U.S. District Court  
2601 Second Ave North, Suite 1200  
Billings, MT 59101

9. Nothing in this agreement prevents the plaintiff from pursuing administrative offsets of any funds owed to the defendant by any government agency, including the Internal Revenue Service, and the judgment defendant specifically consents to any such offset. Any payments applied to this claim by the

Internal Revenue Service as a result of tax return offsets will be credited as a payment to the existing balance but will not interrupt the periodic payments withheld from wages described above unless it results in payment in full.

10. The judgment defendant can at any time, request an accounting of the funds garnished. However, the judgment defendant hereby knowingly waives any rights that she may have under 28 U.S.C. § 3205(c)(9) to any automatic accounting.

APPROVED AND SO ORDERED this 23<sup>rd</sup> day of March 2020.

Susan P. Watters  
HONORABLE SUSAN P. WATTERS  
United States District Court Judge

CONSENTED TO BY:

VP  
VICTORIA L. FRANCIS  
Assistant United States Attorney  
Attorney for Plaintiff

DATE 3-23-20

Valerie Pena  
VALERIE PENA  
Judgment Defendant

DATE 3-20-20

Ami Barnhart  
RESIDENCE INN BY MARRIOTT  
Judgment Garnishee

DATE 3-20-20